

CITY OF O'FALLON, ILLINOIS
ORDINANCE NO.

**AN ORDINANCE AMENDING THE
CITY ZONING CODE OF
ORDINANCES BY AMENDING
SEVERAL SECTIONS OF THE
ZONING CODE PROVIDING
REGULATIONS FOR ACCESSORY
STRUCTURES AND GIVING
AUTHORITY TO ENFORCE THE
COMMERCIAL DESIGN
HANDBOOK**

WHEREAS, the Staff of the Planning and Zoning Department of the City have made the following recommendations to the City Council and believes such recommended regulations would be beneficial to the health, safety and welfare of the citizens of the City of O'Fallon; and

WHEREAS, the City Council, after careful and due deliberation, and duly noticed public hearings as may be required for changes in zoning regulations, has concluded that adoption of the proposed amendments to the Zoning Code would be in the interests of the health, safety and welfare of the citizens of the City of O'Fallon.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1: Chapter 155 of the City Code of Ordinances (previously Chapter 42 thereof) and the corresponding Official Zoning Map are hereby amended by repealing Paragraph 3 of Div. IV "Definitions" of Article 1 thereof and adopting a new Paragraph 3 as follows:

- 3) **Accessory building or structure:** A subordinate building or structure, the use of which is incidental to and customarily in conjunction with the main building or use and which is located on the same lot as the main building or use. Accessory structures shall include sheds, detached garages, decks, pools and covered patios. A structure housing an accessory use is considered *a part of the principal structure when it is attached to the principal structure* and must meet principal structure setbacks.

The following additional regulations apply only to accessory buildings (garages, sheds, etc.) only in the SR zoning districts. These regulations do not apply to pools, decks or covered patios.

- 1. The ground floor area of the accessory building shall not exceed 750 sq. ft. (total floor area not to exceed 1,500 sq. ft.)*
- 2. The height may not exceed the shortest ridgeline of the principal structure, not to exceed 25 feet and 2 stories.*
- 3. The setback requirement between accessory structures on the same lot shall be a minimum of 10 linear feet.*
- 4. No accessory building exceeding 144 sq. ft. may have metal exterior walls.*

Section 2: Chapter 155 of the City Code of Ordinances (previously Chapter 42 thereof) and the corresponding Official Zoning Map are hereby amended by repealing Section 1.060 of Article 1 “General Provisions, Administration, & Definitions” thereof and adopting a new Section 1.060 as follows:

Section 1.060 Relationship to comprehensive plan and other policies

It is the intention that this Chapter to implement the planning policies adopted for the City as reflected in the Comprehensive Plan, as amended, and other planning documents, including the Commercial Design Handbook dated July 6, 2009 and on file with the City Clerk. Neither this Chapter nor any amendment thereto may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan or other planning policy.

Section 3: Chapter 155 of the City Code of Ordinances (previously Chapter 42 thereof) and the corresponding Official Zoning Map are hereby amended by repealing Section 3.060.E.8 of Article 3, Div 2 “Site Plans” thereof and adopting a new Section 3.060.E.8 as follows:

Section 3.060 General Site Plan Review Procedures

E. General Site Plan Review Criteria:

- 8) Consistency with the City’s adopted Comprehensive Master Plan, *the Commercial Design Handbook dated July 6, 2009 and on file with the City Clerk*, and any adopted design guidelines applicable to the site, and any adopted sub-area master plan;

Section 4: Chapter 155 of the City Code of Ordinances (previously Chapter 42 thereof) and the corresponding Official Zoning Map are hereby amended by repealing Section 3.070.A.6 of Article 3, Div 2 “Site Plans” thereof and adopting a new Section 3.070.A.6 as follows:

Section 3.070 Site Plan Design Standards & Requirements

A. Site Design:

6) Architecture. The proposed building must demonstrate conformity with design guidelines applicable to the site as part of the Comprehensive Plan, requirements set forth in this Chapter, or any other design guidelines adopted by the City, *including the Commercial Design Handbook dated July 6, 2009 and on file with the City Clerk.*

Section 5: Chapter 155 of the City Code of Ordinances (previously Chapter 42 thereof) and the corresponding Official Zoning Map are hereby amended by repealing Section 9.050.B.4 of Article 9 “Planned Uses” thereof and adopting a new Section 9.050.B.4 as follows:

Section 9.050 Consideration of a planned use

B. Criteria for approval.

4) The conformity with the standards and principles of the Comprehensive Plan and all other adopted regulations, *including the Commercial Design Handbook dated July 6, 2009 and on file with the City Clerk.*

Section 6: Chapter 155 of the City Code of Ordinances (previously Chapter 42 thereof) and the corresponding Official Zoning Map are hereby amended by repealing Section 9.050.C.6 of Article 9 “Planned Uses” thereof and adopting a new Section 9.050.C.6 as follows:

Section 9.050 Consideration of a planned use

C. Planned Use Approval; conditions.

6) Architectural materials, or design *guidelines as described in the Commercial Design Handbook dated July 6, 2009 and on file with the City Clerk.*

Section 7: Except as expressly amended herein, all other provisions of the Zoning Code of Ordinances, Chapter 155 of the City Code of Ordinances (previously Chapter 42 thereof) and corresponding Official Zoning Map shall remain in full force and effect.

Section 8: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof or any portion adopted by reference therein is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof or any portion adopted by reference therein. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

Section 9: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council this 3rd day of May 2010.

ATTEST:
(seal)

Approved by the Mayor this 3rd day
of May 2010.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	Grogan	McCoskey	True	Polites	Mouser	Reckamp	Drolet, J.	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Cozad	Bennett	Renner	Drolet, N.	Engler	Albrecht	Cozad	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									